

(c) Subsection (b) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the head of the agency determines, with the concurrence of the Comptroller General or his designee, that the application of that subsection to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required—

(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

(2) where the head of the agency determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by not applying subsection (b).

If subsection (b) is not applied to a contract or subcontract based on a determination under clause (2), a written report shall be furnished to the Congress. (As amended Sept. 27, 1966, Pub. L. 89-607, § 1(2), 80 Stat. 850.)

AMENDMENTS

1966—Subsec. (b). Pub. L. 89-607, § 1(2) (A), inserted the introductory words "Except as provided in subsection (c)".

Subsec. (c). Pub. L. 89-607, § 1(2) (B), added subsec. (c).

EXEMPTIONS OF FUNCTIONS

Functions with respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of Title 22, Foreign Relations and Intercourse.

Chapter 141.—MISCELLANEOUS PROCUREMENT PROVISIONS

Sec.

2389. Contracts for the procurement of milk; price adjustment.

AMENDMENTS

1966—Pub. L. 89-696, § 1(2), Oct. 19, 1966, 80 Stat. 1057, added item 2389.

§ 2389. Contracts for the procurement of milk; price adjustment.

Under regulations prescribed by the Secretary of Defense, any contract for the procurement of fluid milk for beverage purposes which was being performed on or after March 1, 1966, may be amended to provide a price adjustment for losses incurred by a contractor because of increased prices paid to the producers for such milk as a result of action by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk. A price adjustment shall not be made unless it has been determined by the Department that—

(1) such amount is not included in the contract price;

(2) the contract does not otherwise contain a provision providing for an adjustment in price; and

(3) the contractor will suffer a loss, not merely a diminution of anticipated profit, under the contract because of such increases in producer prices.

(Added Pub. L. 89-696, § 1(1), Oct. 19, 1966, 80 Stat. 1056.)

Chapter 153.—EXCHANGE OF MATERIAL AND DISPOSAL OF OBSOLETE, SURPLUS, OR UNCLAIMED PROPERTY

§ 2575. Disposition of unclaimed property.

(a) The Secretary of any military department, and the Secretary of the Treasury, under such regulations as they may respectively prescribe, may each by public or private sale or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into the custody or control of his department, other than property subject to section 4712, 4713, 6522, 9712, or 9713 of this title or subject to subsection (c) of this section. However, property may not be disposed of until diligent effort has been made to find the owner, his heirs or next of kin, or his legal representative. If the owner, his heirs or next of kin, or his legal representative is determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at his last known address. When diligent effort to determine the owner, his heirs or next of kin, or his legal representatives is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of \$25 or more the property may not be disposed of until three months after the date it is received at a storage point designated by the Secretary.

(As amended Aug. 28, 1965, Pub. L. 89-143, 79 Stat. 581.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-143 provided for notice by registered mail and substituted provision for disposition of property without delay when diligent effort to determine ownership is unsuccessful and after three months following receipt at designated storage point of property with fair market value of \$25 or more, for former provision for disposition of property one year after receipt at designated storage point.

Chapter 157.—TRANSPORTATION

Sec.

2634. Motor vehicles: for members on change of permanent station.

AMENDMENTS

1965—Pub. L. 89-101, § 1(2), July 30, 1965, 79 Stat. 425, substituted "change of permanent station" for "permanent change of station" in item 2634.

§ 2634. Motor vehicles; for members on change of permanent station.

(a) When a member of an armed force is ordered to make a change of permanent station, one motor vehicle owned by him and for his personal use or the use of his dependents may, unless a motor vehicle owned by him was transported in advance of that change of permanent station under section 406(h) of title 37, be transported, at the expense of the United States, to his new station or such other place as the Secretary concerned may authorize—

(1) on a vessel owned, leased, or chartered by the United States;

(2) by privately owned American shipping services; or